

AG Contract No. KR99 0705TRN
ADOT ECS File No. JPA 99-47
Project: F-022-3-595/H4105 01C
Section: US-60 @ Lane Street (MP249.0)

INTERGOVERNMENTAL AGREEMENT
BETWEEN
THE STATE OF ARIZONA
AND
THE CITY OF GLOBE

THIS AGREEMENT is entered into 10 June, 1999,
pursuant to Arizona Revised Statutes, Sections 11-951 through 11-954, as amended,
between the STATE OF ARIZONA, acting by and through its DEPARTMENT OF
TRANSPORTATION (the "State"), and the CITY OF GLOBE, acting by and through its
MAYOR and CITY COUNCIL (the "City").

I. RECITALS

1. The State is empowered by Arizona Revised Statutes Section 28-401 to enter into this agreement and has by resolution, a copy of which is attached hereto and made a part hereof, resolved to enter into this agreement and has delegated to the undersigned the authority to execute this agreement on behalf of the State.

2. The City is empowered by Arizona Revised Statutes Section 48-572 to enter into this agreement and has by resolution, a copy of which is attached hereto and made a part hereof, resolved to enter into this agreement and has authorized the undersigned to execute this agreement on behalf of the City.

3. Incident to a roadway maintenance project on US-60 at the intersection of Lane Street (MP 249.0) in the City contemplated by the State, to include regrading a slope on the South side of US-60 and associated sidewalk replacement, at a currently estimated cost of \$140,000.00, all at State expense, the City has agreed upon completion of the project to provide maintenance to the regraded slope and sidewalks.

THEREFORE, in consideration of the mutual covenants expressed herein, it is agreed as follows:

NO. 23282
Filed with the Secretary of State
Date Filed: 06/10/99

Betty Bayless
Secretary of State

By Vicky V. Harnwood

II. SCOPE

1. The State will:

a. Provide design plans, specifications and such other documents and services required for construction bidding and construction. Incorporate City review comments.

b. Call for bids and award one or more construction contracts for the project. Administer same and make all payments to the contractor(s). Be responsible for all costs associated with the project, in an amount currently estimated at \$140,000.00, and for any contractor claims for extra compensation due to delays or whatever reason.

c. Upon completion of the project, approve and accept the project on behalf of the parties hereto.

2. The City will:

a. Review the design documents and provide comments.

b. Upon completion and acceptance of the project by the State, provide maintenance to the reggraded slope and the new sidewalk.

III. MISCELLANEOUS PROVISIONS

1. This agreement shall remain in force and effect until completion of said Project and reimbursements; provided, however, that this agreement may be cancelled at any time upon thirty (30) days written notice to the other parties. The City may cancel this agreement for non-payment should any invoice be unpaid for a period of 45 days.

2. This agreement shall become effective upon filing with the Secretary of State.

3. This agreement may be cancelled in accordance with Arizona Revised Statutes Section 38-511.

4. The provisions of Arizona Revised Statutes Section 35-214 are applicable to this contract.

5. In the event of any controversy which may arise out of this agreement, the parties hereto agree to abide by required arbitration as is set forth for public works contracts in Arizona Revised Statutes Section 12-1518.

6. All notices or demands upon any party to this agreement shall be in writing and shall be delivered in person or sent by mail addressed as follows:

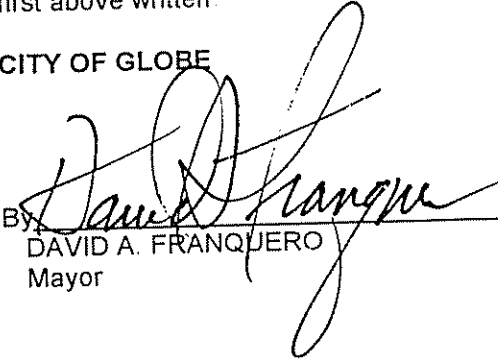
Department of Transportation
Joint Project Administration
205 South 17 Avenue, MD 616E
Phoenix, AZ 85007

City of Globe
City Administrator
150 N. Pine Street
Globe, AZ 85501

7. Attached hereto and incorporated herein is the written determination of each party's legal counsel that the parties are authorized under the laws of this state to enter into this agreement and that the agreement is in proper form.

IN WITNESS WHEREOF, the parties have executed this agreement the day and year first above written.

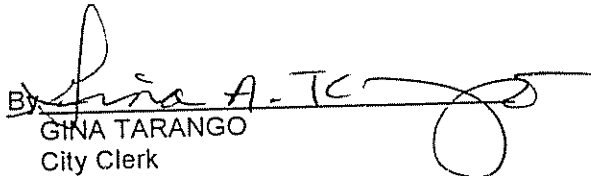
CITY OF GLOBE

By 
DAVID A. FRANQUERO
Mayor

STATE OF ARIZONA
Department of Transportation

By 
WILLIAM J. HIGGINS
Deputy State Engineer

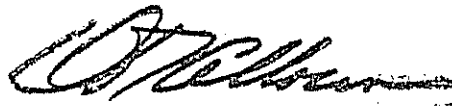
ATTEST

By 
GINA TARANGO
City Clerk

RESOLUTION

BE IT RESOLVED on this 5th day of April 1999, that I, the undersigned MARY E. PETERS, as Director of the Arizona Department of Transportation, have determined that it is in the best interests of the State of Arizona that the Department of Transportation, acting by and through the Intermodal Transportation Division, to enter into an agreement with the City of Globe for the purpose of defining responsibilities for providing slope and sidewalk maintenance on US-60 at MP.249.

Therefore, authorization is hereby granted to draft said agreement which, upon completion, shall be submitted to the Deputy State Engineer for approval and execution.

A handwritten signature in dark ink, appearing to read 'D. Allocco', is written over a horizontal line.

DAVID R. ALLOCCO, P.E.
Assistant State Engineer
Engineering Technical Group
for Mary E. Peters, Director

CITY OF GLOBE**REGULAR MEETING MINUTES****MUNICIPAL BUILDING 150 NORTH PINE STREET GLOBE, ARIZONA****MONDAY, MAY 3, 1999****6:00 P.M.**

The meeting was called to order by Mayor Franquero at 6:00 P.M.

The Invocation was given by City Clerk Gina Tarango, followed by the Pledge of Allegiance led by Donna Anderson.

CORRESPONDENCE

1. Councilwoman Kieren thanked City employees for preparing the Little League field and concession stand.
2. Councilwoman Johnson thanked Public Works and APS for completing the Pioneer Hills lighting project.
3. Councilman Wheeler thanked the Public Works Department for patching the areas in the streets before they worsened.
4. The Mayor and Council are in receipt of a letter from Mr. Tom Welen of Bisbee asking the City to join other cities in support of writing a letter in opposition to the sale of US West. It was the consensus of the Council to direct that a letter be drafted in opposition of the sale of US West and to send a copy to the FCC

COUNCIL CONSIDERATIONS

1. FIRST PUBLIC HEARING FOR THE PROPOSED REDISTRICTING OF THE WARD BOUNDARIES OF THE CITY OF GLOBE

A Public Hearing was held at 5:30 prior to tonight's meeting regarding redistricting. A second public hearing will be held on May 10, 1999, at 5:30 P.M.

2. APPROVAL OF ACCOUNTS PAYABLE FOR THE TWO WEEKS ENDING 4/29/99

Councilwoman Johnson moved to approve accounts payable with the exception of the Wither's property check pending a clear title and the check for the property taxes for the donated Chaparral property by Dave Johnson. Seconded by Councilman Wheeler.

Motion carried unanimously.

3. REQUEST TO CONSIDER AND POSSIBLY APPROVE THE RECOMMENDATIONS MADE BY THE HISTORIC PRESERVATION COMMISSION

Ms. Connie Teague, Chairman of the Historic Preservation Advisory Commission addressed the Council asking for approval to submit a proposal to host the 1999'

Councilman Wheeler moved to approve the purchase of two new police vehicles
Seconded by Councilman Lopez.

Motion carried unanimously.

11. VOTE TO HOLD AN EXECUTIVE SESSION PURSUANT TO A.R.S. SEC. 38-431.03 (A) (3) - LEGAL CONSULTATION O THE FOLLOWING:
- A) ACQUISITION OF THE 2.15 ACRE LAND PARCEL TO FACILITATE EXPANSION OF THE CITY OF GLOBE'S CEMETERY
 - B) CITY OF GLOBE'S LEGAL POSITION AND PROPOSED COURSE OF ACTION WITH RESPECT TO THE SAN CARLOS APACHE TRIBE WATER RIGHTS SETTLEMENT ACT OF 1992 AND THE RELATED SPECIAL PROCEEDINGS IN MARICOPA COUNTY SUPERIOR COURT

Councilwoman Kieren moved to hold an Executive Session. Seconded by Councilman Lopez.

Motion carried unanimously.

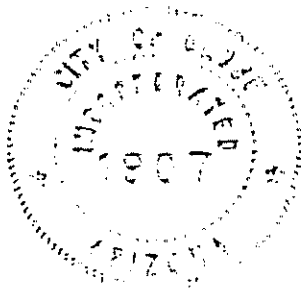
PRESENTATIONS FROM THE PUBLIC

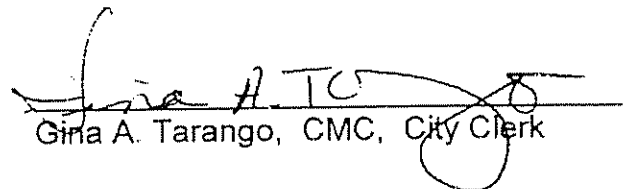
- 1. Donna Anderson, member of the Historic Preservation Committee, asked the Council to include the Historic Preservation Committee in any discussions regarding infrastructure changes in the historic district.
- 2. Mr. Dennis Melford asked the Council if a reward is still being offered for the arrest and conviction of taggers. A committee will address Mr. Melford's question.
- 3. Mr. Eddie Valenzuela thanked the Council for their support in removing horses on upper Yuma Street.

The Council adjourned into Executive Session at 7:35 P.M

There was no need to reconvene into Regular Session, the Executive Session adjourned at 8:57 P.M.

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the Regular Meeting of the City Council of the City of Globe held on the 3rd day of May, 1999. I further certify that the meeting was duly called and held and that a quorum was present.

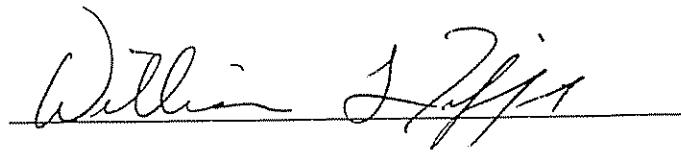



Gina A. Tarango, CMC, City Clerk

APPROVAL OF THE GLOBE CITY ATTORNEY

I have reviewed the above referenced proposed intergovernmental agreement, between the DEPARTMENT OF TRANSPORTATION, HIGHWAYS DIVISION, and the CITY OF GLOBE and declare this agreement to be in proper form and within the powers and authority granted to the City under the laws of the State of Arizona.

DATED this 13th day of May, 1999.



City Attorney



STATE OF ARIZONA

OFFICE OF THE ATTORNEY GENERAL

1275 WEST WASHINGTON, PHOENIX, AZ 85007-2926

JANET NAPOLITANO
ATTORNEY GENERAL

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FACSIMILE: (602) 542-4085

INTERGOVERNMENTAL AGREEMENT
DETERMINATION

A.G. Contract No. KR99-0705TRN, an agreement between public agencies, has been reviewed pursuant to A.R.S. § 11-952, as amended, by the undersigned Assistant Attorney General who has determined that it is in the proper form and is within the powers and authority granted to the State of Arizona.

No opinion is expressed as to the authority of the remaining parties, other than the State or its agencies, to enter into said agreement.

DATED June 2, 1999.

JANET NAPOLITANO
Attorney General

JAMES R. REDPATH
Assistant Attorney General
Transportation Section

JRR:et/21252

Enc.